

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

IN RE:

THE MATTER OF ALL CIVIL ACTIONS
IN WHICH THE UNITED STATES IS A PARTY
PENDING IN THE SOUTHERN DISTRICT
OF INDIANA

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) 1:13-mc-120-RLY
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**ORDER REGARDING CIVIL CASES IN WHICH THE UNITED STATES, ITS
AGENCIES, OFFICERS AND EMPLOYEES ARE PARTIES**

This matter is before the Court on the motion of the United States for a stay of civil litigation, including bankruptcy cases, pending before this Court, in which the United States, its agencies, officers or employees (the "United States") are parties.

Whereupon the Court, having considered the motion and being duly advised now finds that:

1. At the end of the day on September 30, 2013, the appropriations act that had been funding the Department of Justice expired, resulting in a lapse of appropriations to the Department. The same is true for most Executive agencies. As a result of the lapse in appropriations, certain Department of Justice employees, including Assistant United States Attorneys, responsible for representing the interests of the United States in civil litigation have been furloughed. Likewise personnel from the Executive agencies that are named as parties, or whose interests are represented in civil litigation have been subjected to furloughs. The Department of Justice does not know when funding will be restored by Congress.

2. The lapse in appropriations has resulted in the excepted employees in the United States Attorney's Office to be unable to fully represent the interests of the United States in all of civil litigation pending before this Court.

3. A stay of civil litigation in which the United States, is a party is necessary and appropriate under the circumstances, and it is in the interests of justice to stay civil cases, including bankruptcy cases, in which the United States is a party pending a resolution of the lapse in appropriations by Congress.

IT IS THEREFORE ORDERED that:

1. The motion to stay civil litigation in which the United States, its agencies, officers and employees are parties should be, and hereby is, GRANTED IN PART and DENIED IN PART.

2. The United States' motion is GRANTED as to all civil cases, except habeas corpus proceedings, in which the United States, its agencies, officers, or employees are parties, except those which are specifically exempted from this Order in Exhibit A. All such civil cases are STAYED and immediately suspended, postponed and held in abeyance, pending further Order of the Court. The Court intends "civil litigation" to include all pending non-criminal cases in which the United States, its agencies, its officers or employees (whether in their individual or official capacity and whether current or former employees) is in any way a named party and any non-criminal cases in which the United States Attorney's Office or the Department of Justice is counsel of record. This includes, without limitation, all pending Social Security cases, bankruptcy cases, and all cases seeking monetary or equitable relief in which the United States is involved as a civil litigant.

3. The United States' motion is specifically DENIED as to habeas corpus proceedings and this Order does not affect habeas corpus cases pending or filed under Title 28 of the United States Code. *See* U.S. Const. art. I, § 9, cl. 2 (The Privilege of the Writ of Habeas Corpus shall not be suspended unless when in Cases of Rebellion or Invasion the public safety may require it.)


4. The United States' Motion and this Order shall be docketed in civil cases in which the United States is party. The absence of such docketing in a specific case shall not affect the effect of this Order in a particular case or proceeding.

5. All civil cases in which the United States, its agencies, officers, or employees have been named as a party, but in which no appearance has been filed by an attorney for the United States are also and immediately suspended, postponed and held in abeyance, pending further Order of the Court. As those cases are identified by the United States, it may seek to have this order docketed in those cases or matters as notice. The absence of such docketing in a specific case shall not affect the effect of this Order in a particular case or proceeding.

6. Any party, including the United States, to any civil case stayed by this Order may seek relief from this Order by motion filed in the case or proceeding. Notice of such motion for relief shall be filed in the specific action, and shall also be served by first class mail on the United States Attorney for the Southern District of Indiana, Attn: Jill Z. Julian, Civil Chief, 10 West Market Street, Suite 2100, Indianapolis, Indiana, 46204.

IT IS SO ORDERED.

Dated: 10/07/2013



RICHARD L. YOUNG, CHIEF JUDGE
United States District Court
Southern District of Indiana

Cases Exempted from Order Staying Civil Litigation in which the United States is a Party

CAUSE NUMBER	CASE CAPTION
1:12-cv-01882-JMS-DKL	ANTONACCI et al v. DEPARTMENT OF THE NAVY
3:12-cv-00178-RLY-WGH	COPELAND v. USA et al.
2:11-cv-00004-LJM-WGH	FURROW et al v. VEACH et al
1:11-cv-01303-SEB-MJD	HULL v. OWEN COUNTY STATE BANK
1:13-cv-01014-SEB-MJD	INTERNATIONAL UNION OF PAINTERS & ALLIED TRADES, DISTRICT COUNCIL 91 v. METROPOLITAN SCHOOL DISTRICT OF WARREN TOWNSHIP et al
1:12-cv-00818-TWP-DKL	JACKSON et al v. UNITED STATES OF AMERICA
1:08-cv-00133-WTL-DML	MCARTOR, et al v. ROLLS-ROYCE CORPORATION
1:13-cv-01383-RLY-DML	SRIVASTAVA v. UNITED STATES OF AMERICA et al
1:12-cv-00830-JMS-TAB	UNITED STATES OF AMERICA et al v. HORNING INVESTMENTS, LLC et al
1:13-cv-00785-WTL-TAB	UNITED STATES OF AMERICA v. \$24,170.00 UNITED STATES CURRENCY
1:13-cv-01283-RLY-MJD	UNITED STATES OF AMERICA v. \$24,335.00 UNITED STATES CURRENCY
1:13-cv-00500-JMS-DKL	UNITED STATES OF AMERICA v. \$30,000.00 UNITED STATES CURRENCY
1:12-cv-00468-RLY-MJD	UNITED STATES OF AMERICA v. \$4,020.00 UNITED STATES CURRENCY
1:13-cv-00611-WTL-TAB	UNITED STATES OF AMERICA v. \$4,299.00 UNITED STATES CURRENCY
1:13-cv-00650-TWP-MJD	UNITED STATES OF AMERICA v. \$6,286.00 UNITED STATES CURRENCY
1:12-cv-01057-RLY-MJD	UNITED STATES OF AMERICA v. \$100,945.00 UNITED STATES CURRENCY et al
1:12-cv-00026-TWP-MJD	UNITED STATES OF AMERICA v. TRIAD MINING, INC.
1:13-cv-01361-SEB-MJD	UNITED STATES SECURITIES AND EXCHANGE COMMISSION v. MARCUM et al
1:11-cv-00891-LJM-TAB	WELCH v. ELI LILLY & COMPANY
1:12-cv-00818-TWP-DKL	JACKSON et al v. UNITED STATES OF AMERICA
3:12-cv-00178-RLY-WGH	COPELAND v. USA et al.
1:13-cv-01489-WTL-MJD	UNITED STATES SECURITIES AND EXCHANGE COMMISSION v. IMPERIAL PETROLEUM, INC. et al

Exhibit A